

MEMORIAL

OF

CALVIN J. KEITH,

ADMINISTRATOR OF SAMUEL ELKINS, DECEASED, AND THE LEGAL REPRESENTATIVE OF NATHANIEL COX, DECEASED,

PRAYING

The adjustment and payment of the award made in their favor under the convention with Mexico.

FEBRUARY 5, 1846.

Referred to the Committee on Foreign Relations, and ordered to be printed.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial and petition of Calvin J. Keith, of the city of New Orleans, administrator of the estate of Samuel Elkins, deceased, and of Ann B. Cox, widow of Nathaniel Cox, of the said city, deceased, and of Cora Ann Slocomb, widow of Samuel B. Slocomb, of the said city, deceased, and only child of the said Nathaniel Cox,

RESPECTFULLY REPRESENTS :

That, as long ago as the year 1816, the said Samuel Elkins and Nathaniel Cox, respectable citizens of New Orleans, at the earnest solicitations of the patriot government in Mexico, made advances to them of money, military stores, and other articles, to aid the Mexicans in the struggles they were then making for independence. They were among several persons in New Orleans (among whom were the late Edward Livingston, Abner L. Duncan, and others,) who took a deep interest in the cause of Mexican freedom, and contributed their aid in its behalf, to the detriment of their fortunes, and with no purpose of speculative profit. Their advances were made, from time to time, through several years, and ultimately amounted, the one to \$40,000, and the other to \$50,000, exclusive of interest. When the independence of Mexico was established, and the government organized, they transmitted their accounts and vouchers there. The correctness of them was never impeached, and a law was passed distinctly recognising the debts thus incurred to be national obligations. The state of the Mexican treasury prevented their payment, however, and this, though repeated applications were subsequently made, both by their agents and through the pub-

lic functionary of the United States, could never be obtained. The consequence was, that they died, leaving their families in great pecuniary distress.

On the organization, at Washington, of the commission under the treaty, in the summer of 1840, measures were taken to bring their claims before it; but it was not till the 13th of January, 1841, that the documents in relation to them (which had been confided to the American legation at Mexico) were procured from there by the Department of State. These documents, it appeared, did not embrace the original vouchers entire, as transmitted to Mexico, and as they had been placed in the archives of the Mexican government itself. That government, instead of sending these, also, at once to the United States, only surrendered them on a formal requisition, which still further prolonged the delay; which was contrary to what the treaty specified should be done by the government of Mexico. Nor was it through any negligence whatever of the claimants, as they were not transmitted for several months after the requisition for them was made. When received, it was found that some of the vouchers were not among them; and it became necessary to seek for testimony at New Orleans, which the lapse of five and twenty years since the advances were made, and the death of the parties, as well as of most of the persons who knew them, rendered a work of extreme difficulty, delay, and expense for the claimants to procure. At length the case was submitted to the commission. After a full examination, it was acted upon by the board. The Mexican commissioners objected to the claim, but on grounds so totally untenable, and, indeed, at variance with both their own admissions in other cases of similar character, and with the decisions already made by the umpire, that there was no reason whatever to suppose that their objection would have had any weight with him. The American commissioners awarded as due, bona fide, and for advances of money and supplies actually furnished, on the claim of Samuel Elkins \$51,776 38, and on that of Nathaniel Cox \$40,684, together with interest from the year 1816; admitting all the items of the claims, as fully established, except a few, of which the vouchers having been handed to the Mexican authorities, had been lost or destroyed by them, and could not be replaced. Both sets of commissioners (the American and Mexican) transmitted to the umpire full reports upon the two cases, together with the evidence, arranged in the most systematic order, so as to remove every obstacle to a speedy decision. These reports and the documents the umpire received on the 19th February, 1842.

On the 25th February, Baron de Roenné returned the reports of the commissioners, and the documents, to the board, without any decision whatever, on the ground that he had not time to act upon them before the expiration of the time to which the duration of the commission was limited. Thus, after twenty five years of delay in the payment of a just debt of acknowledged national obligation, and of the most sacred character—after large expenses, labor, and anxiety incurred by them in their lifetime, and their representatives since their deaths—after the fullest examination had been made by the board of commissioners, and reports were carefully made by them and submitted to the umpire, they seem destined to lose the last hope of ultimate repayment.

Under these circumstances, the claimants, who have thus been wronged without any fault of their own, look to the government for redress. Unless it is given them, they are thrown out of claims admitted to be just; the object of the convention defeated, after waiting twenty-five years; all their

time, labor, and expense wasted ; hopes long deferred are blasted ; pecuniary loss, already great, is rendered still greater, and without promise of future indemnity. It cannot be that American citizens are to be thus treated !

Your memorialists submit their case to the justice of Congress, believing that they will make some arrangement by which their claims, thus ascertained, liquidated, and found and acknowledged to be due by distinguished citizens, appointed by the President and Senate to examine them, shall be paid to them without further delay. Their original vouchers have been surrendered by the acts and under the authority of the government of the United States ; they have been removed, (or at least many of them,) as your memorialists have been informed, to Mexico, pursuant to the treaty stipulation which the government of the United States made, and from there the memorialists cannot obtain them. The memorialists are thrown entirely on their own government, by means of its own acts, and not from anything done by themselves, for all future redress ; and this they now confidently and respectfully solicit.

FEBRUARY 4, 1846.

CALVIN J. KEITH.

ANN B. COX.

CORA ANN SLOCOMB.

By their Attorney,
HENRY D. GILPIN.

